

Gregory Zimmer, Esq.

GZimmer@GZimmerLegal.com

O: (914) 402-5683

M: (516) 991-1116

February 25, 2022

VIA ECF

Honorable Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

I represent Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Dr. Michael M. Goldberg, M.D. (“Dr. Goldberg”) in the above-referenced matter. We write to request a modest two-week extension of the existing dates for submission of the parties’ opposition and reply papers on the pending *Daubert* motions filed by the parties. The reason for this request is a serious medical emergency requiring hospitalization that has precluded Dr. Goldberg’s expert witness, Terry L. Orr, from participating in preparing Dr. Goldberg’s opposition to the motion to strike Mr. Orr as an expert filed by Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) and Third-Party Defendant Macrophage Therapeutics, Inc. (“Macrophage”) for approximately one week and which is expected to continue to prevent or severely limit his ability to do so for at least another week.¹ The current due date for oppositions to *Daubert* motions is next Friday, March 4, 2022 and replies are currently due on March 18, 2022. We respectfully request that these dates be adjourned to March 18, 2022 and April 1, 2022, respectively.

Counsel for Navidea and Macrophage consent to this request. There has been no prior request for the relief requested herein.

¹ Dr. Goldberg stands ready to submit additional information concerning the nature of the medical emergency if the Court deems such disclosure necessary or helpful. However, in that event we respectfully request that we be permitted to submit the information in a manner not accessible by the public to protect Mr. Orr’s privacy.

Honorable Valerie Caproni, U.S.D.J.

February 25, 2022

Page 2

Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.

Gregory Zimmer, Esq.
142 New Chalet Drive
Mohegan Lake, NY 10547
(914) 402-5683
GZimmer@GZimmerLegal.com

cc: Barry Kazan, Esq.
Karim Sabadin, Esq.
Alain Baudry, Esq.